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HOUSE BILL 1273

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Eric A. Youngberg

AN ACT

RELATING TO MUNICIPALITIES; ADDING CERTAIN PURPOSES TO THE  
POWER OF EMINENT DOMAIN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-18-10 NMSA 1978 (being Laws 1973,  
Chapter 395, Section 1) is amended to read:

"3-18-10. POWER OF EMINENT DOMAIN--PURPOSES--  
PROCEEDINGS.--

A. Both within the municipal boundary and for a  
distance not extending beyond the planning and platting  
jurisdiction of the municipal boundary, a municipality has the  
power and right of condemnation of private property for public  
use for the purpose of:

- (1) laying out, opening and widening streets,  
alleys and highways or their approaches; or

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[bracketed material] = delete

1 (2) constructing, maintaining and operating:  
2 (a) storm drains; or  
3 (b) garbage and refuse disposal areas  
4 and plants.

5 B. A municipality may acquire by eminent domain any  
6 property within the municipality:

7 (1) for park purposes [~~C. A municipality may~~  
8 ~~acquire by eminent domain any property within the~~  
9 ~~municipality~~];

10 (2) to establish cemeteries or mausoleums or  
11 [~~both or combinations thereof and may also~~] to acquire [~~by~~  
12 ~~eminent domain any~~] existing cemeteries or mausoleums [~~or both~~  
13 ~~or combinations thereof~~]; or

14 (3) for the purpose of correcting obsolete or  
15 impractical planning and platting of subdivisions. For the  
16 purpose of this paragraph, "obsolete or impractical planning  
17 and platting" applies only to property that:

18 (a) was platted prior to 1975; and  
19 (b) has remained vacant and unimproved.

20 [~~D. Proceedings to obtain such condemnation~~]

21 C. Condemnation proceedings pursuant to this  
22 section shall be in the manner provided by law."

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